

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

20 Civ. 5914 (PAE)

In re Morgan Stanley Data Security Litigation

ORDER

PAUL A. ENGELMAYER, District Judge:

On August 5, 2022, in a lengthy bench decision, the Court approved (1) the proposed class action settlement; and (2) attorneys' fees, costs, and service awards, issuing separate orders as to these subjects. Dkts. 156, 157, 158. On November 9, 2022, the Court approved the parties' proposed schedule for providing quarterly status update letters as to the work of Kroll Inc., which Morgan Stanley, pursuant to the parties' settlement agreement, retained to retrieve the decommissioned devices at issue. Dkt. 191.

On February 15, 2023, the parties moved to file under seal the first quarterly status report. Dkt. 203, and supplied a copy of that report to the Court for its *in camera* review, *see* Dkts. 205 (letter); 205-1 (report). The parties requested that the report, in its entirety, be filed under seal. *See* Dkt. 205 at 2. Upon review of the report, and in accordance with the Court's Individual Rules and Practices for sealed filings, the Court concludes that substantial portions of the report are indeed properly maintained under seal, including insofar as revelations of the investigative steps, techniques, and findings described therein could compromise valid interests in confidentiality and/or be exploited by bad actors. However, substantial portions of the Report are not of this nature and do not require sealing. And a public exposition of Kroll's report, even in redacted form, would usefully inform members of the class as to the concrete nature and

utility of the Kroll services that are a component of the approved settlement. The Court accordingly grants the request for leave to file a sealed copy of the report, while instructing defendant to file, on the public docket of this case, a redacted version of the report. This filing is due March 9, 2023.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: February 23, 2023
New York, New York